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Attorneys for Federal Defendants

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

ENVIRONMENTAL DEFENSE
CENTER, et al.,

Plaintiffs,

v.

BUREAU OF OCEAN ENERGY
MANAGEMENT, et al.,

Defendants,

and

AMERICAN PETROLEUM INSTITUTE,
et al.,

Intervenor-Defendants.

No. 2:16-cv-08418-PSG-FFMx

Hon. Philip S. Gutierrez

**DEFENDANTS’
NOTICE OF APPEAL**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Federal Defendants, Bureau of Ocean Energy Management (BOEM); Richard Yarde, Regional Supervisor, Office of Environment, Bureau of Ocean Energy Management; David Fish, Chief, Environmental Compliance Division, Bureau of Safety and Environmental Enforcement; Walter Cruickshank, Acting Director, Bureau of Ocean Energy Management; Scott Angelle, Director, Bureau of Safety and Environmental Enforcement; Bureau of Safety and Environmental Enforcement (BSEE); Joan Barminski, Pacific Region Director, Bureau of Ocean Energy Management; Mark Fesmire, Pacific Region Director, Bureau of Safety and Environmental Enforcement; United States Department of the Interior; and David Bernhardt, Secretary of the Interior,¹ hereby appeal to the United States Court of Appeals for the Ninth Circuit from this Court's July 14, 2017 Order denying Federal Defendants' motion to dismiss (Dkt. No. 74), the November 9, 2018 Order on the parties' cross-motions for summary judgment (Dkt. No. 126), and the December 13, 2018 Judgment (Dkt. No. 132), copies of which are attached to this Notice as Exhibits A, B, and C.

¹ Ryan Zinke no longer serves as Secretary of the Interior. David Bernhardt is automatically substituted pursuant to Fed. R. Civ. P. 25(d). *See also* ECF Nos. 33 and 101 (noting previous automatic substitutions).

The United States District Court for the Central District of California's Judgment became final and appealable on April 23, 2019, upon the denial of a timely motion for reconsideration (Dkt. No. 153).

Federal Defendants' Representation Statement is attached to this Notice as required by Circuit Rule 3-2(b).

Respectfully submitted this 21st day of June, 2019.

LAWRENCE VANDYKE
Deputy Assistant Attorney General
Environment & Natural Resources Division

/s/ Joseph H. Kim

JOSEPH H. KIM
Natural Resources Section

Attorneys for Federal Defendants

Of Counsel:

Joanna Brinkman
Melissa Hearne
Office of the Solicitor
U.S. Department of the Interior

REPRESENTATION STATEMENT

The undersigned represents Federal Defendants, Bureau of Ocean Energy Management (BOEM); Richard Yarde, Regional Supervisor, Office of Environment, Bureau of Ocean Energy Management; David Fish, Chief, Environmental Compliance Division, Bureau of Safety and Environmental Enforcement; Walter Cruickshank, Acting Director, Bureau of Ocean Energy Management; Scott Angelle, Director, Bureau of Safety and Environmental Enforcement; Bureau of Safety and Environmental Enforcement (BSEE); Joan Barminski, Pacific Region Director, Bureau of Ocean Energy Management; Mark Fesmire, Pacific Region Director, Bureau of Safety and Environmental Enforcement; United States Department of the Interior; and David Bernhardt, Secretary of the Interior, and no other party. Pursuant to Rule 12(b) of the Federal Rules of Appellate Procedure and Circuit Rule 3-2(b), Federal Defendants submit this representation statement. The following list identifies all parties to the action, and it identifies their respective counsel by name, firm, address, telephone number, and email, where appropriate.

Parties	Counsel of Record
Plaintiffs Environmental Defense Center and Santa Barbara Channelkeeper	Margaret Morgan Hall Linda Krop Tara Catherine Messing Environmental Defense Center 906 Garden Street Santa Barbara, California 93101 Telephone: (805) 963-1622 Fax: (805) 962-3152 mhall@environmentaldefensecenter.org lkrop@environmentaldefensecenter.org tmessing@environmentaldefensecenter.org
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Plaintiffs People of the State of California, ex rel. Xavier Becerra, Attorney General, and California Coastal Commission	Xavier Becerra Attorney General of California David Alderson George Torgun 1515 Clay Street, 20th Floor P.O. Box 70550 Oakland, CA 94612-0550 Telephone: (510) 879-1002 Fax: (510) 622-2270 George.Torgun@doj.ca.gov
Defendants Bureau of Ocean Energy Management (“BOEM”); Richard Yarde, Regional Supervisor, Office of Environment, BOEM; Bureau of Safety and Environmental Enforcement (“BSEE”); David Fish, Chief, Environmental Compliance Division, BSEE; Walter Cruickshank, Acting Director, BOEM; Scott Angelle, Director, BSEE; Joan Barminski, Pacific Region Director, BOEM; Mark Fesmire, Pacific Region Director, BSEE; United States Department of the Interior; and David Bernhardt, Secretary of the Interior	Joseph H. Kim Environment & Natural Resources Division United States Department of Justice Natural Resources Section P.O. Box 7611 Washington, DC 20044 Tel: (202) 305-0207 joseph.kim@usdoj.gov
Intervenor-Defendant American Petroleum Institute	Nicholas M. Lampros COVINGTON & BURLING LLP 1999 Avenue of the Stars Suite 3500 Los Angeles, CA 90067 Telephone: (424) 332-4755 Fax: (424) 332-4749 nlampros@cov.com Steven J. Rosenbaum Bradley K. Ervin COVINGTON & BURLING LLP

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Intervenor-Defendant Exxon Mobil Corporation	<p>M. Randall Oppenheimer Dawn Sestito O'MELVENY & MYERS LLP 400 South Hope Street Los Angeles, California 90071-2899 Telephone: (213) 430-6000 Fax: (213) 430-6407 roppenheimer@omm.com dsestito@omm.com</p> <p>Jonathan A. Hunter JONES WALKER LLP 201 St. Charles Avenue, Suite 5100 New Orleans, LA 70170 Telephone: (504) 582-8279 Fax: (504) 589-8279 jhunter@joneswalker.com</p> <p>Stephen W. Wiegand Carson M. Haddow LISKOW & LEWIS 701 Poydras Street, Suite 5000 New Orleans, LA 70139 Telephone: (504) 581-7979 Fax: (504) 556-4108 swwiegand@liskow.com chaddow@liskow.com</p>

Intervenor-Defendant DCOR, LLC	<p>Michael R. Matthias BAKER & HOSTETLER LLP 11601 Wilshire Boulevard, Suite 1400 Los Angeles, CA 90025-0509 Telephone: (310) 820-8800 Fax: (310) 820-8859 mmatthias@bakerlaw.com</p> <p>L. Poe Leggette Mark S. Barron Emily B. Thomas Matthew D. Pearson BAKER & HOSTETLER LLP 1801 California Street, Suite 4400 Denver, CO 80202-2662 Telephone: (303) 861-0600 Fax: (303) 861-7805 pleggette@bakerlaw.com mbarron@bakerlaw.com ethomas@bakerlaw.com mpearson@bakerlaw.com</p>
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Respectfully submitted this 21st day of June, 2019.

LAWRENCE VANDYKE
Deputy Assistant Attorney General
Environment & Natural Resources Division

/s/ Joseph H. Kim
JOSEPH H. KIM
Natural Resources Section

Attorneys for Federal Defendants

CERTIFICATE OF SERVICE

I, Joseph H. Kim, hereby certify that, on June 21, 2019, I caused the foregoing to be served upon counsel of record through the Court's electronic service. I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 21, 2019

/s/ Joseph H. Kim
JOSEPH H. KIM